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SEP 24 2004

Commissioner for Patents

MAIL STOP: Amendment

POB 1450, Alexandria, Virginia 22313-1450

TRANSMITTED TO USPTO MAIN FACSIMILE NO. 703-872-9306

RE: Shigeru NAKAMURA *et al.*, US Appl'n No. 10/628,364
Att'y Docket 500.38285VX1
Examiner A.M. Psitos - Group AU 2653 - USPTO Conf. No. 5993

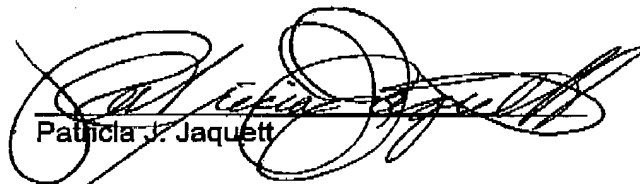
SUBMISSION OF REQUEST CORRECTED ACTION/RESTART OF PERIOD

Sir:

Applicant hereby submits the attached REQUEST FOR CORRECTED OFFICE ACTION AND RESTART OF THE PERIOD FOR RESPONSE (2 pages) for entry in the above-noted application.

CERTIFICATE OF TRANSMISSION:

I hereby certify that the attached REQUEST FOR CORRECTED OFFICE ACTION AND RESTART OF THE PERIOD FOR RESPONSE (2 pages) is being FORMALLY TRANSMITTED via the USPTO Main Facsimile No. 703-872-9306 on 23 September 2004.


Patricia J. Jaquett

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500.38285VX1/E5032-02

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Shigeru NAKAMURA *et al.*
Serial No. : 10/628,364
Filed : 29 July 2003
For : OPTICAL HEAD AND OPTICAL INFORMATION
MEDIA RECORDING/REPRODUCING
APPARATUS USING THE SAME
Group : 2653
Examiner : A.M. Psitos
Conf. No. : 5993

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SEP 24 2004

REQUEST FOR CORRECTED ACTION/RESTART OF PERIOD FOR RESPONSE

Mail Stop Amendment
Commissioner of Patents
POB 1450
Alexandria, Virginia 22313-1450

23 September 2004

Sir:

Applicant has received an Office Action mailed 27 August 2004 in connection with the above-identified application. Applicant respectfully submits that the Action is incomplete and defective in accordance with 37 CFR §1.104/MPEP §710.06 for the following reasons.

The obviousness-type double patenting rejections made at Items 1-4 spanning pages 2 and 3 of the Office Action indicate that various claims are rejected as being unpatentable over US 6,298,028 B1 in view of JP 09-128794. However, there has been no previous citation of US 6,298,028 B1 in either the prior or present applications, either to or by the Office, nor listing of the patent on the Form PTO-892 for the 27 August Office Action, nor copy of the reference supplied to Applicant.

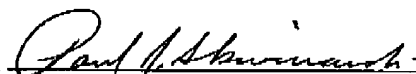
NAKAMURA *et al.*, 10/628,364
Req. Corrt'd OA/Restart dated 09/23/2004

500.38285VX1/E5032-02
Page 2

In accordance with 37 CFR §1.104 and MPEP §710.06, the latter of which states in relevant *verbatim*, "[w]here the citation of a reference is incorrect or an Office action contains some other defect and this error is called to the attention of the Office within 1 month of the mail date of the action, the Office will restart the previously set period for reply to run from the date the error is corrected, if requested to do so by applicant," for the reasons set forth above, Applicant respectfully requests correction of the 27 August Action, and further respectfully requests restart of the period for response.

No Petition or fee is required for the filing of this Request.

Respectfully submitted,



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